



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MAUDE ET AL. )  
SERIAL NUMBER: 09/871,390 ) Group Art Unit:  
FILED: MAY 31, 2001 ) 2854  
FOR: PROCESS FOR APPLYING A ) Before the Examiner:  
DECORATIVE PATTERN TO ) Leslie Evanisko  
EARPLUGS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL DECLARATION UNDER 37 CFR 1.132**

Richard E. Knauer, the undersigned, hereby declares and says that:

1. Cabot Safety Intermediate Corporation, 90 Mechanic Street, Southbridge, MA 01550 is the sole owner and sole assignee of the invention described and claimed in the above-identified patent application. Such ownership is established by an executed Statement under 37 CFR 3.73(b).
2. I am authorized to act on behalf of the assignee, Cabot Safety Intermediate Corporation.
3. I have reviewed and understand the above-identified application, including the claims.
4. EARSoft Yellow Neon Blasts are earplugs produced by Cabot Safety Intermediate Corporation. An exemplary photograph of an EARSoft Yellow Neon Blast earplug is provided at Exhibit 1 appended hereto. The EARSoft Yellow Neon Blast

earplugs include a surface having a pattern printed thereon, as recited in the present claims. The pattern is formed on the EARSoft Yellow Neon Blast earplugs by providing an earplug, orienting the earplug relative to a printing device, or vice versa, and printing the pattern on the earplug using the printing device, as recited in the claims of our patent application and as described in the specification thereof.

5. EARSoft Yellow Neons are identical to the EARSoft Yellow Neon Blasts, except that the EARSoft Yellow Neons do not include the printed pattern of the EARSoft Yellow Neon Blasts. That is, the EARSoft Yellow Neons do not include a surface having a pattern printed thereon by providing an earplug, orienting the earplug relative to a printing device, or vice versa, and printing the pattern on the earplug using the printing device, as described and claimed in the above-indicated patent application. The EARSoft Yellow Neon earplugs would not fall within the claims of our patent application. An exemplary photograph of an EARSoft Yellow Neon earplug is provided at Exhibit 2 appended hereto.

6. The EARSoft Yellow Neon Blasts and the EARSoft Yellow Neons are sold at identical prices, are similarly packaged, are manufactured of the same material and offer the same performance and comfort to a user. Additionally, both products were launched at the same time, are advertised similarly, and are sold to similar customers in the same markets.

7. The only substantial difference between the EARSoft Yellow Neon Blast earplugs and the EARSoft Yellow Neon earplugs is that the former includes a printed pattern formed thereon by providing an earplug, orienting the earplug relative to a printing device, and printing the pattern on the earplug using the printing device, in accordance with our described and claimed invention.

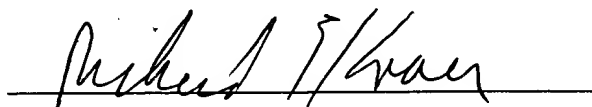
8. Total Cabot Safety Intermediate Corporation sales of the EARSoft Yellow Neon Blasts in the year 2002 exceeded total sales of the EARSoft Yellow Neons, for the same period, by over thirty percent (30%). Total Cabot Safety

Intermediate Corporation sales of the EARSoft Yellow Neon Blasts in the year 2003 exceeded total sales of the EARSoft Yellow Neons, for the same period, by over forty percent (40%). Growth in total Cabot Safety Intermediate Corporation sales of EARSoft Yellow Neon Blasts during the period of 2002 through 2003 exceeded growth in total sales of EARSoft Yellow Neons, for the same period, by approximately ten percent (10%).

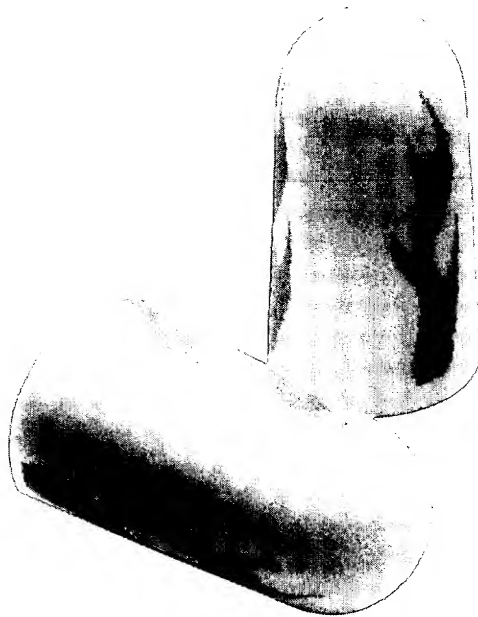
9. The EARSoft Yellow Neon Blasts have experienced substantial commercial success over the EARSoft Yellow Neons, as demonstrated in number 8 above. This commercial success is a direct result of the claimed invention. That is, the commercial success of the EARSoft Yellow Neon Blast earplugs is due to these earplugs including a printed pattern on a surface thereof formed by providing an EARSoft Yellow Neon Blast earplug, orienting the earplug relative to a printing device, and printing the pattern on the earplug using the printing device, as specifically recited in the claims of our patent application. The EARSoft Yellow Neons have not experienced the same commercial success as the EARSoft Yellow Neon Blasts at least because they do not include a printed pattern applied thereto in accordance with the claims of our patent application.

10. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: April 25, 2005

  
Richard E. Knauer

# EXHIBIT 1



## EXHIBIT 2

